



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Kirtland G. Poss, Karen N. Madden, Kevin Groves
and Milind Rajopadhye

U.S. National Stage
Application No.:

10/559,558

371(c) Filing Date: January 5, 2007

Confirmation No.: 2936

For: BIOCOMPATIBLE FLUORESCENT SILICON NANOPARTICLES

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:

April 4, 2007

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TRANSMITTAL OF SEQUENCE LISTING

Mail Stop Sequence
Commissioner for Patents
P.O. Box 1450
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Sir:

This is submitted in response to the Notice to Comply with Sequence Requirements mailed from the Patent Office on February 5, 2007. A copy of the Notice to Comply is enclosed.

Applicants respectfully submit that a Sequence Listing (in paper and CRF form) were previously submitted in PCT/US2004/018023 on June 4, 2004, of which this is the U.S. National Stage application. Copies of the transmittal letter and postcard evidencing receipt of same by the U.S. Receiving Office are enclosed. For the Examiner's convenience, transmitted herewith is a courtesy copy of the previously submitted "Sequence Listing" in paper form (sheets 1/2 through 2/2), comprising SEQ ID NOS: 1 through 3 for the above-identified patent application as

required by 37 CFR §§ 1.825(a) and 1.821(c), and a copy of the "Sequence Listing" in computer readable form as required by 37 CFR §§ 1.825(b) and 1.821(e).

As required by 37 CFR § 1.825(b), Applicants' Attorney hereby states that the contents of the "Sequence Listing" in paper form and in the computer readable form submitted herewith are the same and, as required by 37 CFR § 1.825(a), also states that the submission includes no new matter.

Respectfully submitted,

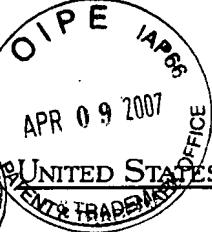
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April 4, 2007



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| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
|-----------------------------|-----------------------|------------------|
| 10/559,558 | Kirtland G POSS | 3353.1005003 |

INTERNATIONAL APPLICATION NO.

PCT/US04/18023

| I.A. FILING DATE | PRIORITY DATE |
|------------------|---------------|
| 06/04/2004 | 06/04/2003 |

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 HAMILTON, BROOK, SMITH & REYNOLDS, PC RECEIVED
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CONFIRMATION NO. 2936

371 FORMALITIES LETTER



OC000000022310536

Date Mailed: 02/05/2007

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 ATTORNEY/AGENT
 Docketed ✓ Already ✓
 Not Required
 Initials 1st DEB Initials 2nd VJT

NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application clearly fails to comply with the requirements of 37 CFR 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application**. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

FRANCINE YOUNG

Telephone: (703) 308-9140 EXT 215

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/559,558 | PCT/US04/18023 | 3353.1005003 |

FORM PCT/DO/EO/922 (371 Formalities Notice)